

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 February 2024

DOCKET NUMBER: AR20230007993

APPLICANT REQUESTS: correction of item 9 (Date of Birth (DOB)) on his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to reflect the requested DOB vice the contested DOB.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Birth Certification

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). However, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in effect, his DD Form 214 has the wrong DOB. While the year is right, the day and month are incorrect; the applicant provides a birth certification that shows his requested DOB.

3. On 26 June 1968, the applicant enlisted into the Regular Army for 2 years. His DD Form 4 (Enlistment Contract – Armed Forces of the United States) lists his contested DOB.

4. On 8 July 1970, the Army honorably released the applicant from active duty; item 9 of his DD Form 214 lists his DOB as the contested DOB.

5. A further review of the applicant's service records does not show any documents with the requested DOB as his DOB.

6. The Board has an interest in maintaining the accuracy of its records; for historical purposes, the data and information contained in those records should reflect the conditions and circumstances, as they existed at the time of the records' creation.

BOARD DISCUSSION:

1. The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

2. The applicant is advised that a copy of this decisional document will be filed in his official military personnel file. This should serve to clarify any questions or confusion about the difference in the date of birth recorded in his military records and the date of birth on his birth certificate.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, section 1552(b) provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. AR 635-5, in effect at the time, stated the purpose of separation documents was to provide the individual with documentary evidence of his/her military service. DD Form 214 preparers were to use all available records, to include enlistment documents and the Soldier's DA Form 20 (Enlisted Qualification Record), as sources for the entries in the DD Form 214. The regulation stated that item 9 (DOB) was self-explanatory.

//NOTHING FOLLOWS//